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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,679	05/10/2001	Petrus Johannes Lenting	20560-32	9980
25204	7590	07/28/2004	EXAMINER	
OPPENHEIMER WOLFF & DONNELLY LLP 840 NEWPORT CENTER DRIVE SUITE 700 NEWPORT BEACH, CA 92660			LIU, SAMUEL W	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3A

**Advisory Action**

Application No.

09/831,679

Applicant(s)

LENTING ET AL.

Examiner

Samuel W Liu

Art Unit

1653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 11 May 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☒ Newly proposed or amended claim(s) 21 and 24-28 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 21 and 24-28.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 2, 22 and 23.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
Jon P. Weber, Ph.D.  
Primary Examiner

Continuation of 3. Applicant's reply has overcome the following rejection(s): The claim rejections under 35 USC 112, the second paragraph in the previous Office action mailed 11 February 2004 is withdrawn in light of the applicant's amendment to the claims which is entered..

Continuation of 5. does NOT place the application in condition for allowance because: The claim rejections under 35 USC 102, in the previous Office action mailed 11 February 2004 is maintained. At page 7, the response filed 12 July 2004 (after final) argues that the Lollar's patent cannot anticipate the instant claims 20 and 22 as Lollar et al. do not disclose the recited modifications within a light chain domain of Factor VIII set forth in the claims. The applicants' argument is unpersuasive because that the said modifications recited in the claims broadly include substitution, deletion or addition (note that said modifications encompass entire domain substitution, as the current disclosure does not specify that the substitution, deletion or/and addition excludes the entire domain substitution, deletion or/and addition), and because the Lollar's patent teaches the modification of human Factor VIII A3 domain by substitution with the corresponding porcine A3 domain (as applied to the instant claim 20), and the modification of human Factor VIII 3 C2 domain by substitution with the corresponding porcine C2 domain (as applied to the instant claim 22) (see the column 19, lines 50-51). Thus, the rejection stands.